

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KUMIKO MORIOKA,
an individual,

Plaintiff,

Case No:

v.

Hon.

IBIDEN U.S.A. CORPORATION, a
foreign corporation,

Mag.

Defendant.

JURY TRIAL REQUESTED

Kumiko Morioka
Pro Se
16772 Quakertown Lane
Livonia, MI 48154
morikumi39@yahoo.com

COMPLAINT AND JURY DEMAND

Plaintiff Kumiko Morioka states the following allegations:

PARTIES, JURISDICTION & VENUE

1. Defendant IBIDEN U.S.A. CORPORATION ("Ibiden") is a foreign corporation that manufactures and sells a variety of technological products, and conducts business in Oakland County, Michigan.

2. Plaintiff Kumiko Morioka ("Ms. Nugent") is a former employee of Ibiden.

3. This court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and over state law claims pursuant to 28 U.S.C. § 1367.

4. Venue in this Court is proper under 28 U.S.C. § 1391(b) because the events giving rise to this claim took place in this judicial district, and Defendant resides in this judicial district.

FACTUAL ALLEGATIONS

5. Ms. Morioka was hired by IBIDEN as a temporary worker in February of 2019.

6. After she worked at IBIDEN for a month, Ms. Morioka was hired as a full-time employee in March of 2019, beginning on April 1, 2019.

7. Ms. Morioka is an American citizen but was hired as one of three Japanese staff level workers at IBIDEN in the Detroit office. While she was working at IBIDEN, she became aware that IBIDEN had decided that it wanted to have at most three Japanese workers in its Detroit office for junior positions like those held by Ms. Morioka.

8. Ms. Morioka worked hard and performed her duties diligently and satisfactorily. She also had a cordial and professional relationship with Ms. Watanabe.

9. Ms. Morioka, however, was uncomfortable with Ms. Watanabe's improper behavior in the workplace. It began with Ms. Watanabe's relatively harmless, but inappropriate "jokes." For example, on more than one occasion, she told

her subordinates, including Ms. Morioka, that if they made a mistake, she would “whip/beat” them “100 times,” or words to that effect. Ms. Morioka simply brushed these types of comments off as office banter.

10. Ms. Watanabe would also mock American workers in adjoining offices, deriding their physical appearance: in one case, she began referring to one woman who worked in a nearby suite as “Itochu lady,” her pejorative way of calling someone an “old fashioned girl.”

11. Ms. Watanabe also seemed to have personal issues with African American workers. In one case, she told Mr. Morioka that she did not like the “smokey smell” of an African American temporary worker, even though the woman did not actually smell and several of the other workers in the office also smoked. She also told Ms. Morioka that she did not like a different African American employee, and that she purposefully avoided speaking to her.

12. Ms. Watanabe also seemed to dislike a co-worker in the IBIDEN Indiana office who was of Chinese descent. She would refer to him as “creepy” behind his back, and called him disgusting, telling a story where he supposedly ate a chicken comb at a restaurant in California. And, when the employee suffered what was believed to be a mild cerebral infarction, Ms. Watanabe stated that she wished that “it were actually serious,” or words to that effect.

13. Despite the challenging environment, Ms. Morioka continued to perform her job. She and other workers did have discussions about work items and corrections (as takes place in most work places), Ms. Watanabe did not raise or characterize these issues with Ms. Morioka's overall performance. In fact, the feedback she received about her performance was largely positive.

14. In September of 2019, the Detroit office of IBIDEN hired Ms. Ishikawa as a temporary worker. Ms. Ishikawa is approximately 13 years younger than Ms. Morioka, and a Japanese national. Ms. Watanabe immediately befriended Ms. Ishikawa. Ms. Morioka became concerned because she could immediately sense Ms. Watanabe's preference for her younger co-worker and was also aware of the informal three Japanese worker quota.

15. Ms. Watanabe's behavior toward Ms. Morioka completely shifted. Ms. Watanabe soon began giving Ms. Morioka the proverbial cold-shoulder and would ignore Ms. Morioka, including when Ms. Morioka would greet her.

16. Ms. Watanabe also began making unpleasant and discriminatory comments to Ms. Morioka, clearly intended to convey her animus because of Ms. Morioka's age. On one occasion, for example, she told Ms. Morioka that Ms. Morioka "smelled like a grandmother," and that she needed to escape from Ms. Morioka.

17. Ms. Watanabe also began to take other acts intended to harass Ms. Morioka. She would, for example, mark Ms. Morioka as “off” for a particular day, even though she knew that Ms. Morioka was actually working that day.

18. And when Ms. Morioka would make a mistake, Ms. Watanabe apparently began raising the mistakes directly with Ted Yasuda, the General Manager of the Detroit office, behind Ms. Morioka’s back - something that Ms. Watanabe had not done previously.

19. In October of 2019, Ms. Morioka reported the abusive behavior to Mr. Yasuda. But Mr. Yasuda’s only response was that there was nothing that he could do because this was just Ms. Watanabe’s personality.

20. On January 28, 2020, a human resources administrator from California came to the Detroit office and told Mr. Morioka that she had been terminated.

21. When Ms. Morioka asked the reason for her termination, the administrator claimed that Ms. Morioka’s performance was low, and upon information and belief, Ms. Morioka never raised any issues with Ms. Morioka directly regarding her performance, and only began complaining to Mr. Yasuda behind her back after the arrival of Ms. Ishikawa.

22. Ms. Morioka timely filed a charge with the EEOC on or about November 16, 2020 alleging discrimination based on her national origin and because of her age. Ms. Morioka received a right to sue letter dated May 7, 2021.

COUNT I
AGE DISCRIMINATION
29 U.S.C. § 621, ET SEQ.
(against Defendant)

23. Plaintiff incorporates and restates all previously stated allegations.
24. Plaintiff, who was over 50 years old during all relevant times and therefore was a member of the protected class.
25. Defendant is an employer subject to 29 U.S.C. § 621, et seq.
26. Plaintiff was subjected to biased performance evaluation and eventual termination because of her age.
27. Plaintiff was qualified but was terminated in favor of keeping a younger woman.
28. Defendant's discriminatory treatment of Plaintiff has caused Plaintiff significant harm.

COUNT II
AGE DISCRIMINATION
ELLIOTT-LARSEN CIVIL RIGHTS ACT, M.C.L. § 37.2202
(against Defendant)

29. Plaintiff incorporates and restates all previously stated allegations.
30. Plaintiff, who was over 50 years old during all relevant times and therefore was a member of the protected class.
31. Defendant is an "employer" within the meaning of M.C.L. § 37.2201(a).

32. Plaintiff was subjected to biased performance evaluation and eventual termination because of her age.

33. Plaintiff was qualified but was terminated in favor of keeping a younger woman.

34. Defendant's discriminatory treatment of Plaintiff has caused Plaintiff significant harm.

COUNT III
NATIONALITY DISCRIMINATION
TITLE VII, 42 U.S.C. § 2000e-2
(against Defendant)

35. Plaintiff incorporates and restates all previously stated allegations.

36. Defendant is an "employer" subject to Title VII.

37. Defendant maintained an informal quota in terms of the maximum number of Japanese employees that it would keep in its Detroit office.

38. Plaintiff was qualified for the positions. Plaintiff is an American citizen but has a Japanese heritage.

39. Plaintiff was qualified but was terminated in order to reduce the number of "Japanese" workers in the Detroit office to below the informal maximum.

40. Defendant's discriminatory treatment of Plaintiff has caused Plaintiff significant harm.

41. The discriminatory treatment caused Plaintiff significant harm.

COUNT IV
NATIONALITY DISCRIMINATION
ELLIOTT-LARSEN CIVIL RIGHTS ACT, M.C.L. § 37.2202
(against Defendant)

42. Plaintiff incorporates and restates all previously stated allegations.

43. Defendant is an “employer” within the meaning of M.C.L. § 37.2201(a).

44. Defendant maintained an informal quota in terms of the maximum number of Japanese employees that it would keep in its Detroit office.

45. Plaintiff was qualified for the positions. Plaintiff is an American citizen but has a Japanese heritage.

46. Plaintiff was qualified but was terminated in order to reduce the number of “Japanese” workers in the Detroit office to below the informal maximum.

47. Defendant’s discriminatory treatment of Plaintiff has caused Plaintiff significant harm.

48. The discriminatory treatment caused Plaintiff significant harm.

RELIEF REQUESTED

Plaintiff seeks all available relief and remedies, including:


- a. compensatory damages;
- b. exemplary/punitive damages;
- c. fees, costs, and interest;

d. all other relief, equitable and otherwise, allowed by law and deemed appropriate by the judge or jury.

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

August 5, 2021

✓ 
Kumiko Morioka
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Livonia, MI 48154
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DEMAND FOR JURY TRIAL

Ms. Morioka hereby demands a trial by jury as to all of those issues so triable as of right.

Respectfully submitted,

August 5, 2021


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CIVIL COVER SHEET

County in which action arose:

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

KUMIKO MORIOKA

(b) County of Residence of First Listed Plaintiff Oakland City.
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

John X *Prose*

DEFENDANTS

IBIDEN U.S.A. CORPORATION

County of Residence of First Listed Defendant Oakland City.
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known) Alan Kaplan
Masuda, Funai, Eifert & Mitchell, Ltd.
200 N. Martingale Road, Suite 800,
Schaumburg, IL 60173

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
29 U.S.C. § 621 and 42 U.S.C. § 2000e-2

Brief description of cause:
Age and National Origin discrimination

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :
